

vides for the performance of services for the design, acquisition, installation, testing, operation, and, where appropriate, maintenance and repair, of an identified energy conservation measure or series of measures at one or more locations. Such contracts—

“(A) may provide for appropriate software licensing agreements; and

“(B) shall, with respect to an agency facility that is a public building as such term is defined in section 13(1) of the Public Buildings Act of 1959 (40 U.S.C. 612(1)), be in compliance with the prospectus requirements and procedures of section 7 of the Public Buildings Act of 1959 (40 U.S.C. 606).”

Par. (4). Pub. L. 108-375, §1090(e), amended par. (4) generally. Prior to amendment, par. (4) read as follows: “The term ‘energy conservation measures’ has the meaning given such term in section 8259(4) of this title.”

1998—Par. (1). Pub. L. 105-388 amended par. (1) generally. Prior to amendment, par. (1) read as follows: “The term ‘Federal agency’ means an agency defined in section 551(1) of title 5.”

1992—Pub. L. 102-486, §155(b)(1), substituted “subchapter, the following definitions apply:” for “subchapter—” in introductory provisions

Par. (1). Pub. L. 102-486, §155(b)(2), substituted “The” for “the” and a period for “,” and “at end.

Par. (2). Pub. L. 102-486, §155(b)(3), substituted “The term” for “the term”.

Pars. (3), (4). Pub. L. 102-486, §155(b)(4), added pars. (3) and (4).

#### **§ 8287d. Assistance to Federal agencies in achieving energy efficiency in Federal facilities and operations**

The Secretary in fiscal year 1999 and thereafter, shall continue the process begun in fiscal year 1998 of accepting funds from other Federal agencies in return for assisting agencies in achieving energy efficiency in Federal facilities and operations by the use of privately financed, energy savings performance contracts and other private financing mechanisms. The funds may be provided after agencies begin to realize energy cost savings; may be retained by the Secretary until expended; and may be used only for the purpose of assisting Federal agencies in achieving greater efficiency, water conservation and use of renewable energy by means of privately financed mechanisms, including energy savings performance contracts and utility incentive programs. These recovered funds will continue to be used to administer even greater energy efficiency, water conservation and use of renewable energy by means of privately financed mechanisms such as utility efficiency service contracts and energy savings performance contracts. The recoverable funds will be used for all necessary program expenses, including contractor support and resources needed, to achieve overall Federal energy management program objectives for greater energy savings. Any such privately financed contracts shall meet the provisions of the Energy Policy Act of 1992, Public Law 102-486 regarding energy savings performance contracts and utility incentive programs.

(Pub. L. 105-277, div. A, §101(e) [title II], Oct. 21, 1998, 112 Stat. 2681-231, 2681-278.)

#### **REFERENCES IN TEXT**

The Energy Policy Act of 1992, referred to in text, is Pub. L. 102-486, Oct. 24, 1992, 106 Stat. 2776, as amended. For complete classification of this Act to the Code, see Short Title note set out under section 13201 of this title and Tables.

#### **CODIFICATION**

Section was enacted as part of Department of the Interior and Related Agencies Appropriations Act, 1999, and also as part of the Omnibus Consolidated and Emergency Supplemental Appropriations Act, 1999, and not as part of the National Energy Conservation Policy Act which comprises this chapter.

#### **SIMILAR PROVISIONS**

Similar provisions were contained in the following prior appropriation act:

Pub. L. 105-83, title II, Nov. 14, 1997, 111 Stat. 1582.

### **CHAPTER 92—POWERPLANT AND INDUSTRIAL FUEL USE**

#### **SUBCHAPTER I—GENERAL PROVISIONS**

- Sec. 8301. Findings; statement of purposes.
  - (a) Findings.
  - (b) Statement of purposes.
- 8302. Definitions.
  - (a) Generally.
  - (b) Special rules relating to definitions of natural gas and alternate fuel.
- 8303. Territorial application.

#### **SUBCHAPTER II—NEW FACILITIES**

##### **PART A—PROHIBITIONS**

- 8311. Coal capability of new electric powerplants; certification of compliance.
  - (a) General prohibition.
  - (b) Capability to use coal or alternate fuel.
  - (c) Applicability to base load powerplants.
  - (d) Self-certification.
- 8312. Repealed.

##### **PART B—EXEMPTIONS**

- 8321. Temporary exemptions.
  - (a) General exemption due to lack of alternate fuel supply, site limitations, or environmental requirements.
  - (b) Temporary exemption based upon future use of synthetic fuels.
  - (c), (d) Repealed.
  - (e) Duration of temporary exemptions.
- 8322. Permanent exemptions.
  - (a) Permanent exemption due to lack of alternate fuel supply, site limitations, environmental requirements, or adequate capital.
  - (b) Permanent exemption due to certain State or local requirements.
  - (c) Permanent exemption for cogeneration.
  - (d) Permanent exemption for certain mixtures containing natural gas or petroleum.
  - (e) Permanent exemption for emergency purposes.
  - (f) Permanent exemption for powerplants necessary to maintain reliability of service.
- 8323. General requirements for exemptions.
  - (a) Use of mixtures or fluidized bed combustion not feasible.
  - (b) State approval required for powerplant.
  - (c) No alternative power supply in the case of a powerplant.
- 8324. Terms and conditions; compliance plans.
  - (a) Terms and conditions generally.
  - (b) Compliance plans.

#### **SUBCHAPTER III—EXISTING FACILITIES**

##### **PART A—PROHIBITIONS**

- 8341. Existing electric powerplants.